

## **REMARKS**

Claims 1-46 are pending in this application and no amendments have been made by way of this amendment.

### **Rejections Under 35 USC § 102**

Claims 1-7, 12, 13, 17, 34-37, 39, 43, and 44 are rejected under 35 USC 102(e) as anticipated by Nakayama (US2006/0036311). The Applicants respectfully traverse. Nakayama is not a proper reference under 35 USC 102(e).

Nakayama's 35 U.S.C. § 371(c) date is July 25, 2005. As required by 35 U.S.C. § 102(e) part 2, a proper reference is "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under article 21(2) of such treaty in the English language." Nakayama's PCT application was published in its filing language, Japanese, on March 18, 2004.

After Nakayama was filed as a national application in the U.S., the U.S. Patent Office issued a "Notification of Missing Requirements under 35 U.S.C. 371" on July 8, 2005 requesting an English translation of the PCT application. An English translation was not filed until July 25, 2005, which is, therefore, the earliest 102(e) date to which Nakayama is entitled. As such, the present application has an earlier priority date than the Nakayama reference. Accordingly, the Applicant respectfully requests withdrawal of this rejection.

### **Rejections Under 35 USC § 103**

Claim 8-10 and 40-42 are rejected under 35 USC 103(a) as obvious over Nakayama, as applied to claim 1. As discussed above, Nakayama is not a proper

102(e) reference and therefore, the Applicant respectfully requests withdrawal of this rejection.

Claims 11, 14-16, 18-33, 45 and 46 are rejected under 35 USC 103(a) as obvious over Nakayama, as applied to claims 1 and 17, in view of Gertner (US 2003/0060873). As discussed above, Nakayama is not an appropriate as a 102(e) reference and therefore, the Applicant respectfully requests the Examiner withdraw the rejection.

Claim 38 is rejected under 35 USC 103(a) as obvious over Nakayama, as applied to claim 1, in view of Wang (US 2007/0037739). As discussed above, Nakayama is not a proper 102(e) reference and therefore, the Applicant respectfully requests withdrawal of this rejection.

### **CONCLUSION**

Applicant respectfully requests a timely Notice of Allowance be issued in this application. Should any issues remain, the Examiner is invited to contact the undersigned. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment, or credit any overpayment, to Deposit Account No. 50-3207.

Respectfully submitted,

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